



BOARD OF COMMISSIONERS

Herb Frady, Chairman
Robert Horgan, Vice Chairman
Steve Brown
Lee Hearn
Allen McCarty



STAFF

Jack Krakeel, County Administrator
Scott Bennett, County Attorney
Carol Chandler, Executive Assistant
Karen Morley, Chief Deputy Clerk
Floyd Jones, Deputy Clerk



MEETING LOCATION

Public Meeting Room
Administrative Complex
140 Stonewall Avenue
Fayetteville, GA 30214



MEETING TIMES

2nd and 4th Thursday each month 7:00 pm



COMMISSION OFFICE

Administrative Complex
Suite 100
140 Stonewall Avenue
Fayetteville, GA 30214
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Action Agenda

Board of Commissioners

May 26, 2011

7:00 P.M.

Call to Order, Invocation and Pledge of Allegiance.

Chairman Frady called the May 26, 2011 Board of Commissioners meeting to Order at 7:01 p.m.

Commissioner Hearn gave the Invocation and led the Audience in the Pledge of Allegiance.

Acceptance of Agenda.

Chairman Frady asked for New Business 16 to be removed from the Agenda at the City of Fayetteville's request.

Commissioner Horgan moved to Accept the Agenda as published excluding New Business 16. Commissioner McCarty seconded the motion. The motion passed unanimously.

PUBLIC HEARING

1. **Consideration of a Packaged Beer and Wine License for Chevron Food Mart, 1488 SR 92 South, Fayetteville, Georgia, Ram Niwas, Inc., Owner, and Jaymin Patel, Applicant. This property is located in Land Lot 256 of the 13th District, fronts on SR 92 South, and is zoned C-H. This is for a Change of Ownership.**

Director of Community Development Pete Frisina read the rules concerning Public Hearings.

No one spoke in favor of or in opposition to this request.

Commissioner Brown moved to approve the Change of Ownership request of a Packaged Beer and Wine License for Chevron Food Mart, 1488 SR 92 South, Fayetteville, Georgia, Ram Niwas, Inc., Owner and Jaymin Patel, Applicant, that is located in Land Lot 256 of the 13th District, fronts on SR 92 South, and is zoned C-H. Commissioner Horgan seconded the motion. The motion passed unanimously.

TEMPORARY RECESS

The Board recessed from 7:06 p.m. until 7:14 p.m. due to an electrical storm and power outage.

2. **Consideration of a Packaged Beer and Wine License for Flint River Store, 2664 SR 92 South, Fayetteville, Georgia, Larry and Beverly Corbin, Owners, and Beverly Corbin, Applicant. This property is located in Land Lot 117 of the 4th District, fronts on SR 92 South, and is zoned C-H. This is for a New Location.**

Mr. Larry Corbin spoke in favor of the request. No one else spoke in favor of or in opposition to this request.

Commissioner Horgan moved to approve the New Location request for a Packaged Beer and Wine License for Flint River Store, 2664 SR 92 South, Fayetteville, Georgia, Larry and Beverly Corbin, Owners, and Beverly Corbin Applicant, that is located in Land Lot 117 of the 4th District, fronts on SR 92 South, and is zoned C-H. Commissioner Hearn seconded the motion. The motion passed unanimously.

3. **Consideration of proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III. Definitions, Sec. 3-1. and Article V. General Provisions, Sec. 5-47. Standards for Telecommunications Antennas and Towers.**

Director of Community Development Pete Frisina spoke briefly about the proposed amendments to the Fayette County Code of Ordinances. No one else spoke in favor of or in opposition to this request.

Commissioner Horgan moved to approve the proposed amendments to the Fayette County Code of Ordinances, Chapter 20. Zoning Ordinance, Article III. Definitions, Sec. 3-1. and Article V. General Provisions, Sec. 5-47. Standards for Telecommunications Antennas and Towers. Commissioner McCarty seconded the motion. The motion passed unanimously.

PUBLIC COMMENT

Steve Smithfield: Mr. Smithfield spoke about the appointment of Mr. Addison Lester to the Fayette County Board of Elections, and the potential implications of that appointment in particular in relation to the West Fayetteville Bypass.

David Hall: Mr. Hall spoke in opposition to the West Fayetteville Bypass, and how the Board's actions in relation to the West Fayetteville Bypass are going against the voice of the people. He asked for the Commissioners to "step down" from their positions.

Gordon Furr: Mr. Furr told a joke about a preacher and his horse, and he utilized the joke as a parable about the Board and its work concerning the West Fayetteville Bypass in general and West Bridge Road in particular.

Vic Remeneski: Mr. Remeneski spoke about the appearance of impropriety at the federal government where constituents in Congresswoman Nancy Pelosi's district and Senator Harry Reid's district are being exempted from "Obamacare", and he related the appearance of impropriety to the Board of Commissioner's appointment of Mr. Addison Lester, who is the second cousin of Commissioner Lee Hearn, to the Fayette County Board of Elections.

HEARING

4. **Athena Schwantes has requested a hearing before the Board of Commissioners concerning a request for tax exemptions (this hearing is *not* considered a “public hearing”– no public comment will be permitted for this agenda item).**

Ms. Athena Schwantes and County Attorney Scott Bennett plead their respective positions before the Board.

Commissioner Brown moved “that the Board award the exemption dating back to 2007, recognizing her [Ms. Schwantes] sacrifice, using the powers given to the Board of Commissioners to remedy such matters.” Commissioner McCarty seconded the motion. Commissioner Brown then read a statement for the record.

Discussion followed after which Commissioner Brown withdrew his motion and Commissioner McCarty withdrew his second to the motion.

Commissioner Brown moved to amend his original motion to award the exemption dating back to the year 2009. Commissioner McCarty seconded the motion. The motion passed unanimously.

CONSENT AGENDA

Chairman Frady asked for Consent Agenda Item 13 to be removed from Consent since Commissioner Lee Hearn was not present at the May 12, 2011 Board of Commissioners meeting and would not be able to vote for approval of those minutes.

Commissioner Brown moved for Consent Agenda Items 6, 8, 11 and 13 to be removed from the Consent Agenda. Commissioner Horgan seconded the motion. The motion passed unanimously.

Commissioner Brown moved to approve Consent Agenda with the exception of Items 6, 8, 11, and 13. Commissioner Horgan seconded the motion. The motion passed unanimously.

5. **Approval of staff's request to transfer \$8,000 from Animal Control's Restricted Donation Account to the department's existing Capital Project C-5041 Account for the purchase of two cat cages.**
6. **Approval of staff's recommendation to award Clearing and Grubbing Bid #789 to the low bidder, Rhino Services, LLC., in the amount of \$87,891.00.**

Commissioner Horgan moved to approve Consent Agenda Item 6. Commissioner Hearn seconded the motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

7. **Approval of staff's request to increase the Library's Fiscal Year 2011 Donations Revenue Account and the Subscriptions and Books Expenditure Account by \$110.00 to recognize donations to the Library.**

8. **Approval of staff's recommendation to award Proposal #788 to Mike Wright & Co., d/b/a Wright's Hydroseeding, establishing an annual contract for the installation of soil erosion and sediment control measures on various Public Work projects, in an amount not to exceed \$154,586.**

Commissioner Horgan moved to approve Consent Agenda Item 8. Commissioner Hearn seconded the motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

9. **Approval of staff's recommendation to award Bid #787 for dust control on gravel roads to South Eastern Road Treatment for the application of calcium chloride at the rate of \$0.24 per square yard for a total amount not to exceed \$47,648.00.**

10. **Approval of staff's request to amend the Lakeridge III Street Light District to include one additional street light.**

11. **Approval of recommendations from the Tax Assessor's Office regarding requests for tax refunds.**

Commissioner Brown moved to strike the Tax Assessor's recommendation pertaining to Ms. Athena Schwantes, and to approve the remainder of the Tax Assessor's recommendations as provided. Commissioner McCarty seconded the motion. The motion passed unanimously.

12. **Approval of the Sheriff's Office request to amend the Overtime Budget for the Fayette County Sheriff's Office Criminal Investigations Division by \$8,861.41 for reimbursement for employees assigned to work with various Federal Agencies.**

13. **Approval of the Board of Commissioners April 28, 2011 Minutes, the Board of Commissioners May 4, 2011 Workshop Minutes, and the May 12, 2011 Board of Commissioners Minutes.**

Commissioner Horgan moved to approve the Board of Commissioners April 28, 2011 Minutes and the Board of Commissioners May 4, 2011 Workshop Minutes. Commissioner Hearn seconded the motion. The motion passed unanimously.

Commissioner Horgan moved to approve the May 12, 2011 Board of Commissioners Minutes. Commissioner McCarty seconded the motion. The motion passed 4-0-1 with Commissioner Hearn abstaining from the vote.

NEW BUSINESS

14. **Consideration of staff's recommendation to renew the County's agreement for excess Workers' Compensation insurance and claims service with Midwest Employers Casualty Company, for one year, in the amount of \$85,927.**

Commissioner Brown moved to approve staff's recommendation to renew the County's agreement for excess Workers' Compensation insurance and claims service with Midwest Employers Casualty Company, for one year, in the amount of \$85,927. Chairman Frady seconded the motion. The motion passed unanimously.

15. **Consideration of a request from staff to approve Ordinance 2011-04, authorizing the Purchasing Department to purchase fuel, based on the lowest bid available, at a cost not to exceed \$30,000 per bid in order to minimize the impact of price volatility, and for the Purchasing Director to provide a quarterly report to the Board concerning fuel purchases.**

The Board consented to authorize staff to advertise an amendment to Fayette County's Local Legislation pertaining to purchases in Fayette County in the County's legal organ, *The Fayette Daily News*.

16. **Consideration of the City of Fayetteville's request for the Fayette County Road Department to resurface and stripe two segments of Redwine Road within Fayetteville's city limits.**

This item was removed from the Agenda during the Acceptance of the Agenda.

17. **Consideration of staff's request to allocate \$250,000 of Special Purpose Local Option Sales Tax (SPLOST) 321 funds for the employment of temporary staff to assist with the construction of the West Fayetteville Bypass, Phase II (R-5) and other SPLOST projects.**

Commissioner Hearn moved to approve staff's request to allocate \$250,000 of Special Purpose Local Option Sales Tax (SPLOST) 321 funds for the employment of temporary staff to assist with the construction of the West Fayetteville Bypass, Phase II (R-5) and other SPLOST projects. Commissioner Horgan seconded the motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

18. **Consideration of staff's recommendation to award engineering and design services for the proposed Veteran's Parkway Bridge (WFB-2) over Whitewater Creek to Heath & Lineback Engineers, Inc., in an amount not to exceed \$133,238.**

Commissioner Horgan moved to approve staff's recommendation to award engineering and design services for the proposed Veteran's Parkway Bridge (WFB-2) over Whitewater Creek to Heath and Lineback Engineers, Inc., in an amount not to exceed \$133,238. Commissioner Hearn seconded the motion. The motion passed 3-2 with Commissioners Brown and McCarty voting in opposition.

19. **Engineering staff will provide an update on the proposed design for SPLOST Project FC-15, intersection improvements at Goza Road, Inman Road, and State Route 92.**

The Board took no action and gave no direction on this item.

ADMINISTRATOR'S REPORTS

There was no Administrator's Report.

COMMISSIONERS REPORTS

Commissioner Steve Brown: Commissioner Brown spoke about the SPLOST meetings that occur monthly prior to the second Thursday night Board of Commissioners meeting. He said he wanted to attend the meeting but was unsure whether that meant the meeting needed to be publically advertised on the chance a third Commissioner decided to attend. After considerable discussion, the Board consented to allow Commissioner Hearn and Commissioner Brown to attend the SPLOST meeting, to prevent a quorum of Commissioners from attending the meeting, and to not advertise the meeting as a public meeting.

Commissioner Lee Hearn: Commissioner Lee Hearn addressed Mr. Steve Smithfield's public comment, and he reminded Mr. Smithfield and those in agreement with him, that he left his position as Public Works Director in May 2007 and did not return in any capacity until January 2009 as Commissioner. He said during his time away from the County is when former Commissioners Jack Smith and Eric Maxwell relocated the West Fayetteville Bypass from its position closer to the hospital to align more closely with Huiet Road and its current alignment. He said he had no influence at all with the County because he was not an employee or an elected official at the time. He continued that his family has no interest in the property that is owned by the Lester's at Tyrone Road and State Route 54, and he pointed out that there is not a need for an additional road frontage when there is 106 acres at the corner of Tyrone Road and State Route 54, which is a four-lane divided highway.

Chairman Herb Frady: Chairman Frady replied to Mr. Smithfield's comments saying Commissioner Hearn did not violate Fayette County's Ethics Ordinance. He explained that the Ethics Ordinance defines an immediate family as a "man, his wife, and his children", and it does not go outside to other relationships. He repeated that Commissioner Hearn had not violated anything. He said he had made the statement before, that the detractors were not paying attention to it, and he could not understand why people were upset when nothing had been violated.

EXECUTIVE SESSION

County Attorney Scott Bennett informed the Board that a matter of litigation needed to be discussed in Executive Session.

Litigation: Commissioner McCarty moved to recess into Executive Session in order to discuss a matter of litigation. Commissioner Hearn seconded the motion. The motion passed unanimously.

The Board recessed at 8:56 p.m. and returned to Official Session at 9:03 p.m.

Executive Session Affidavit: Commissioner Brown moved to authorize the Chairman to sign an Executive Session Affidavit stating a matter of litigation was discussed during Executive Session. Commissioner McCarty seconded the motion. The motion passed unanimously.

ADJOURNMENT

Commissioner Brown moved to adjourn the May 26, 2011 Board of Commissioners meeting. Commissioner McCarty seconded the motion. The motion passed unanimously.

The Board of Commissioners adjourned its May 26, 2011 Meeting at 9:03 p.m.

Floyd L. Jones, Deputy Clerk